

From: [Bill Jacobs](#)
To: [Metzger, Bill](#)
Cc: [Quinn, Brock](#); [Duckworth, Charlie](#); [Rosalind Gross](#)
Bcc: [Dan Peacock](#); [Jennifer Gaines](#)
Subject: RE: Refillable Rodenticide Bait Stations - Tier 3
Date: 12/16/2009 08:06 AM

Your comments regarding the specific tool and tools in general make sense to me. We'll likely be spending more time on these issues in the near future.

In the immediate term, note that some of my response pertains to what the RMD stipulates whereas other comments pertain to what I would be concerned about in terms of product stewardship if I were in the shoes of the registrant. That the tool resembles something that comes with Fisher Price toys would seem to contribute to the potential problem, but refillables that use any tool might have similar issues. Refillables which depend upon technique only for opening (i.e., no tool) would not have that particular problem.

My comments regarding how many refills to include in a package with a single bait station were thoughts on how to provide sufficient bait with each purchase without providing excess amounts that could create other problems.

After today, I will be out of the office most of the time until the first week of January.

▼ "Metzger, Bill" ---12/15/2009 03:11:47 PM---Hello Bill and Thank you for such a prompt and detailed response. As you may recall, I worked at Am

From: "Metzger, Bill" <bill.metzger@spectrumbrands.com>
To: Bill Jacobs/DC/USEPA/US@EPA
Cc: "Quinn, Brock" <brock.quinn@spectrumbrands.com>, "Duckworth, Charlie" <charlie.duckworth@spectrumbrands.com>, Rosalind Gross/DC/USEPA/US@EPA
Date: 12/15/2009 03:11 PM
Subject: RE: Refillable Rodenticide Bait Stations - Tier 3

Hello Bill and Thank you for such a prompt and detailed response. As you may recall, I worked at American Cyanamid and Dan Sherman and I spent a lot of time with you during the development of these protocols. Your message raises one major concern that we as a company and you as the EPA need to consider.

Basically it is with the Child Testing Protocol. In the case of the unit we are working with, the unit opens using a bright yellow key very similar to what is sold with Fisher Price Toys. So in this case children will know very quickly what it is used for. We have taken the unit and shown it to a major CRP testing lab and have been told that based on their experience the unit will likely pass without giving the children the tool, but undoubtedly fail if it is given to them.

You are correct that a parent is likely to place the key in a location where a child may be able to get at it.

If this is going to be a concern, and I think you expressed it, then it would be unfair for one company to not provide the tool while another puts a more stringent standard on themselves by providing it and making the criteria more difficult. The Agency might want to consider a follow-up note to registrants pointing out the need to check on the tool.

In thinking about this, there may also be a possibility of placing the tool back into the CRP container that will hold the baits. This way, if the directions are followed, the tool would be unavailable to the child.

Moving on to the multi-refill pack, currently blocks are sold in boxes or pouches up to 36 at a time (1/2 oz blocks), exceeding the new 16 ounce limit. The RMD is silent on the number of refillable stations or refill blocks that could be packaged together and I would guess, one or two stations with multiple blocks would be more economical.

But from your note it appears clear that the retail package itself will need to be CRP for the refill portion.

If I've missed something, please let me know.

Thanks.

Bill

-----Original Message-----

From: Jacobs.Bill@epamail.epa.gov
[mailto:Jacobs.Bill@epamail.epa.gov]
Sent: Tuesday, December 15, 2009 1:24 PM
To: Metzger, Bill
Cc: Quinn, Brock; Duckworth, Charlie;
Gross.Rosalind@epamail.epa.gov
Subject: Re: Refillable Rodenticide Bait Stations - Tier 3

The version of the child test for ready-to-use bait stations that was attached to the 2008 Risk Management Decision (RMD) for rodenticides states that the tool is not to be demonstrated or given to the children.

An argument for giving the tool could be fashioned due to the possibilities that children would observe adults loading the bait stations and that adults might occasionally leave the tool out or store it in a place that children can access.

If it were my product, I would have it tested according to the protocol appended to the RMD (as other applicants/registrants would be following that); but I also would have tested at least a few kids who received a demonstration and the tool just to see how much difference that might make in the results. If it made a big difference, that should